



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 4, 1996

Ms. Marcelle Sattiewhite Jones
Assistant City Attorney
City of Arlington
200 West Abram Street
P. O. Box 231
Arlington, Texas 76004-0231

OR96-2022

Dear Ms. Sattiewhite Jones:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101534.

The City of Arlington (the "city") received a request for the "second 911 call made," regarding an assault incident and referenced by the city as report number 96-0120306. You submitted to this office for review, in response to the request, an audio tape of the 9-1-1 call. You assert that the information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. You also state that "[s]pecifically, the City excepts to the release of the 9-1-1 tape, *affidavits* and *reports*¹ under Section 552.103(a) and 552.108." It appears that you are raising the exceptions for information, other than the submitted tape, which was neither requested by the requestor nor submitted to our office for review. Since it appears that the documents you seek to withhold are not responsive and outside the scope of the request, we will not address the exceptions you have raised for this other information. *See generally* Gov't Code §§ 552.301(b)(3)-303. However, if you receive a request for this information, the city should reassert its arguments against disclosure at that time. Therefore, in this ruling, we only consider the exceptions you claim as they apply to the requested audio tape of the 9-1-1 call.


Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor

¹ We note that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976) (summary enclosed).

that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). After reviewing the tape recording of the 9-1-1 call, we believe that the material at issue is information of a law enforcement agency that deals with the investigation and prosecution of crime. We, therefore, conclude that section 552.108 of the Government Code excepts the requested 9-1-1 call from required public disclosure, although you may choose to release all or part of the information at issue that is not otherwise confidential by law.² Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision.³ This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,


Sam Haddad
Assistant Attorney General
Open Records Division

SH/ch

Ref.: ID# 101534

Enclosures: Submitted audio tape
Summary of Open Records Decision No. 127 (1976)

cc: Ms. Paula Duchesne
2306 Smokerise Drive
Arlington, Texas 76016
(w/ Summary of Open Records Decision No. 127 (1976))

² Originating telephone numbers and addresses furnished on a call-by-call basis by a service supplier to a 9-1-1 emergency communication district established under subchapter D of chapter 772 of the Health and Safety Code are confidential under section 772.318 of the Health and Safety Code. Open Records Decision No. 649 (1996).

³ As we resolve your request under section 552.108, we need not address your claimed exception under section 552.103 at this time.